

MEMO

As was stated previously, although the Appeal Brief states, "No amendments were filed after the final office action", this is not true. An amendment after final was submitted 09/08/2008, and applicants were informed in the Advisory Action of 09/15/2008 that the amendment was entered. Although applicants have addressed some other matters, this one was not, and it is not clear why. If applicants believe that their amendment of 09/08/2008 was actually not an After-Final submission (i.e. that the previous office action was not actually a Final Rejection), then applicants must present some reasoning; otherwise, this is simply not true.

In addition, there is the matter of the slash in claim 32, step e, next to last line. The slash was removed in the paper of 09/08/2008, but has been restored in the Appeal Brief. This is not a minor matter. If the amendment is wrong and the version in the claims appendix is correct, then the rejection on this issue still stands. If the reverse is true, then the rejection is overcome.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Berch whose telephone number is 571-272-0663. The examiner can normally be reached on M-F 7:15 - 3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on (571)272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Mark L. Berch/
Primary Examiner
Art Unit 1624

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